

BY-LAWS

OF THE

CORPORATION OF THE PORTUGUESE JEWS

OF MONTREAL,

REVISED AND PASSED THE 1ST DAY OF NOV., 1857.

(14TH HESVAN, 5618.)

Montreal :

PRINTED BY JOHN LOVELL, CANADA DIRECTORY OFFICE,
ST. NICHOLAS STREET.

1857.

648. Montreal

BY-LAWS

C

REVISI

WHE
9th V
Jewis
inscri
Act
memb
their
three
be k
title
or M
severa
the s
mote
body,

BY-LAWS

OF THE

Corporation of the Portuguese Jews OF MONTREAL,

REVISED AND PASSED THE 1ST DAY OF NOV., 1857, (14TH HESHVAN, 5618.)

PREAMBLE.

WHEREAS by the Act of the 2nd Session 2nd Parliament 9th Vict., Chap. 96, it is enacted that Persons of the Jewish faith, calling themselves Portuguese Jews, being inscribed and registered in the manner provided by the Act 9th and 10th Geo. IV., Chap. 75, and being members of this Synagogue, shall elect from among their number a President, Treasurer, Secretary, and three Trustees, to remain in office for one year, and be known and designated under the name, style and title of "THE CORPORATION OF THE PORTUGUESE JEWS OF MONTREAL."—That in conformity with the said several Acts, and to effect a right understanding among the several members of the said Synagogue, and to promote the peace, good order, and welfare of the general body, the following Code of Laws are hereby made and

passed for that purpose, with the hope that each member of the said Synagogue will comply with their dictates, so far as he is individually concerned; thereby contributing his efforts to further their sole object and intention, namely, the preservation of the peace, prosperity and weal of the said Congregation, of which he forms a part.

ARTICLE I.

Clause 1. The Officers of the Corporation shall be voted for from among those members only, who shall have in all respects complied with these By-Laws. The said Officers shall be voted for separately, viz.: The President, the Treasurer, the Secretary, and the three Trustees,—in the above order, by being duly proposed and seconded, and such candidate having a majority of votes, to be elected.

2. Should there be more than one candidate proposed, and having an equal number of votes, the President to have the casting vote.

3. The same Officers, or any one of them, may be re-elected.

4. The Officers and Trustees so elected shall provide the said Congregation a Hazan, Shochet, Shamas and Mohel to perform the services required of them in their several departments hereinafter described.

5. After the election of the Officers above stated, the said members only as aforesaid shall elect, in a similar manner, a member to act as Parnas (and who may be a Trustee or other Officer) who shall have the management of the whole internal affairs of the Synagogue, and attend

all meetings of the Corporation called to discuss any matters relating to the said Synagogue, but have no vote at the board.

6. The Parnas shall have a superintending power over the Hazan, Shochet, Shamas and Mohel, and see that they faithfully perform the duties of their respective offices.

7. Should either of them appear deficient in the discharge of their duties, he shall report the same to the President, in writing, who shall immediately take cognizance of the same by laying the said communication before the Corporation.

8. All the Mitsvoth shall be in the gift of the Parnas; and, in the case of his absence, the Treasurer, who shall officiate for him.

9. Should both the Parnas and Treasurer be absent, then, in that case, the Senior Trustee shall officiate for the occasion.

10. The said Members only, as aforesaid, shall also elect from among their members a Superintendent or Gabai Beth-Haim, as laid down fully in 2nd clause of By-Laws passed for the management of the Beth-Haim, or Cemetery, of this Corporation, on the 25th Feb., 1855.

ARTICLE II.

OF THE PRESIDENT.

Clause 1. It shall be the duty of the President to convene, through the Secretary, all meetings of the Corporation, and also all public meetings, at both of which he shall preside; and, in all cases, shall have the casting vote.

2. He shall issue all orders to the Hazan, in writing, permitting him to perform the ceremony of Marriage to all persons belonging to this Congregation; and also to any person or persons not being members thereof.

3. He shall also issue all orders to the Mohel permitting him to operate for all persons belonging to this Congregation, and also for any person or persons not being members thereof.

4. All and every application for the services of the Hazan, Shamas, or Mohel, of this said Congregation, shall be made to the President, who shall grant such permission, after having first obtained the consent of the Trustees of this Corporation, and ascertaining that the party so applying for such services shall not be in arrears.

5. He shall certify all claims against the Corporation, save and except the salaries of the Officers, and keep in his possession, during his term of office, the Seal of this Corporate Body, which he shall affix to all documents when necessary.

6. He shall, through the Secretary, summon special meetings of the Congregation at the request of any five members, delivered to him in writing, stating its objects and purpose; and shall, at the request of any two members of the Corporation, delivered to him in writing, stating its objects and purpose, call a meeting of the Corporation for their action thereon.

ARTICLE III.

OF THE TREASURER.

Clause 1. The Treasurer shall collect all monies due to the Corporation, liquidate all claims certified by the Pre-

sident, and also liquidate all claims certified by the Gabai Beth-Haim, and deposit all amounts over the sum of one hundred dollars currency, in one of the banks of this city, in the name of the Corporation.

2. He shall in the absence of the Parnas act in his place during service in the Synagogue or elsewhere.

3. He shall also, in the absence of the President, preside at any meeting either of the Corporation or of the general body.

4. All applications for seats in the Synagogue shall be made to the Treasurer whose duty shall be the letting of the same, according to the terms and rates hereafter fixed by the Corporation.

5. It shall be the duty of the Treasurer to see that the Real Estate and other effects belonging to this Corporation be properly insured against Fire.

ARTICLE IV.

OF THE SECRETARY.

Clause 1. The Secretary shall keep accurate minutes of the transactions both of the Corporation and of all meetings of the congregation, both of which he shall summon, when requested by the President so to do.

2. The Secretary shall give to each member at least one week's notice of all meetings of the congregation, and which notice shall mention the object of the meeting; save and except for Annual Meetings, and for introduction and alteration of By-Laws, for which he shall give three weeks notice, which notice shall also mention the object of such meeting and proposed alteration.

ARTICLE V.

OF THE CORPORATION.

Clause 1. All the meetings of the Corporation shall be called by the Secretary, by direction of the President, by giving two days notice, except in cases of emergency.

2. Any two members of the Corporation shall have the power to call a meeting of the Corporation, in manner following, that is to say, by addressing the President in writing, requesting him (the President) to call such meeting, and stating its objects therein.

3. It shall be the duty of the Corporation to make and renew all contracts within its cognizance in such a manner as may be deemed proper and conducive to the interest of the Congregation.

4. The Corporation shall meet at least once every six months for the transaction of business.

5. It shall be the duty of the Corporation to enforce by law the payment of all monies due this congregation arising in any manner whatsoever, and it is hereby expressly understood that all fines from members refusing to accept office, according to the By-Laws hereinafter described, are included in this clause.

6. That the General Meeting for the election of Officers shall take place on the Sunday week previous to Roshashanah, at which time the newly elected Corporation shall assume their duties.

7. The newly elected Parnas shall assume his duty on the Sabbath before Roshashanah.

8. Any member elected to fill the office of President, and refusing to accept the same, shall pay a fine of ten dollars.

9. Any member elected to fill the office of Treasurer, refusing to accept the same, shall pay a fine of five dollars.

10. Any member elected to fill the office of Secretary, refusing to accept the same, shall pay a fine of five dollars.

11. Any member elected to fill the office of Parnas, refusing to accept the same, shall pay a fine of ten dollars.

12. Any member refusing, when elected, to act as Trustee shall pay a fine of four dollars.

13. Should any member who has filled any of the above offices for one year be elected to any of the offices or Trusteeship, and decline to serve, he shall not be subject to be fined for one year; and any member paying any of the above mentioned fines shall also be exempt for one year.

ARTICLE VI.

OF MEMBERS.

Clause 1. That before any person shall be eligible to become a privileged member of this congregation, he shall have been a seatholder for two years at not less than ten dollars per annum.

2. All members of this congregation must conform themselves to the act of incorporation as laid down in Preamble, viz:—That it is enacted that all members to be qualified to vote for Officers of this congregation must be registered in manner provided by Act of the Provincial Legislature.

3. That any person having been a seatholder of this congregation for two years as aforesaid, and being desirous of becoming a member, shall make application in writing to the President, stating such his desire, which application shall be laid by the President before the Corporation without delay for their action thereon.

4. That upon being admitted a member and (registered as aforesaid) he shall be entitled to vote on all questions brought before the general body of the congregation at all general meetings, and be entitled to such vote or votes as shall be hereinafter described.

5. Members contributing the sum of Ten Dollars per annum to be entitled to one vote; eleven dollars to twenty dollars per annum, two votes; twenty-one dollars to forty dollars per annum, three votes, and over forty dollars per annum, four votes; and be it understood that in all cases the majority of votes to be binding on the whole.

6. That all payments shall be due and payable three months in advance, if by note or notes, or otherwise, and no member shall be entitled to vote on any question, or interfere at any meeting, who is in arrears six months account; and if required, the Treasurer shall produce a list of such defaulters.

7. And be it further understood, that any note or notes that may have become due, and owing to this congregation, and unpaid, shall be considered as arrears, and deprive the maker of such note or notes the privilege of voting or interfering at any meeting as aforesaid.

8. That all members not in arrears shall be eligible to be elected an Officer of the Corporation, to be also eligible to be elected Hatan Torah and Hatan Bereshith, the two latter appointments to be in the gift of the Parnas.

9. That any member being appointed to either of the above offices, refusing to serve shall pay a fine of Four Dollars ; but a party serving one year, or paying the said fine, shall be exempt for three years.

10. Members shall have the right to officiate as Segan on the occasion of the marriage or confirmation of any of his children, (by first obtaining the permission of the Parnas and not being in arrears). He shall also be called to the law in rotation, and at the discretion of the Parnas. He shall have the right to the attendance of the Hazan, Shamas or Mohel, on all occasions when their services may be required, (permission of the Parnas being first obtained.)

11. That no member shall be deprived of his seat so long as he pays his contributions and offerings, but should any member refuse to pay the same after being in arrears for six months, and being duly notified by the Treasurer, that if all arrears be not paid within one month, the Corporation shall have the power to let his seat to any applicant, he the member in arrears having forfeited the same together with all privileges and immunities.

12. No member shall be allowed to transfer his seat to any other person, nor shall he take any other seat than his own ; but he may permit his seat to be taken by a stranger or non-resident, (not being a subscriber to this congregation) upon any special occasion, and with permission of the Parnas may occupy any other vacant seat.

13. No member shall bring or send any child to Synagogue under the age of five years.

14. Any person marrying contrary to the laws of Judaism shall neither be eligible to receive any honors of the Synagogue nor hold any of the offices of the Corporation.

15. It being indispensable that order and decorum should reign in the house of prayer, every member must, during service, remain at his place and conduct himself with propriety; and all persons leaving the Synagogue shall retire in a quiet and orderly manner; every act in defiance of this rule will render the offender liable to be admonished by the Parnas.

16. That any expelled Member, being desirous of re-admission, shall first pay to the Treasurer all arrears that he may stand charged with, and then make application to the President, in writing, who shall without delay summon a meeting of the Corporation to take the same into consideration, and who shall act upon the same as they deem fit.

ARTICLE VII.

SEAT-HOLDERS.

Clause 1. Any person wishing to obtain a seat in the Synagogue must apply to the Treasurer, and shall be charged such sum as may be deemed equitable, which sum must be paid strictly three months in advance.

2. That should any person being a seat-holder, or any other person, whether residing in the City of Montreal or elsewhere, require the services of the Hazan, Shamas, or Mohel, he shall make application to the President, in writing, stating such his desire; and be charged such sum the Corporation may deem just, before granting the services of their officials.

ARTICLE VIII.

OF THE PRAYERS.

Clause 1. The Prayers shall be read in the Hebrew language, according to the custom of the Great Portuguese Synagogue in London.

2. The hour for commencing the Morning Service shall be, in Summer, at half-past eight, A. M.; and in Winter, at 9 o'clock, A. M.

ARTICLE IX.

OF THE CEMETERY.

Clause 1. Respecting the right of Burial, reference is hereby made to the By-Laws passed at a general meeting of this Congregation, held on the 25th Feb., 1855, for the management of their Beth Haim or Cemetery, which code of By-Laws to continue in full force and effect.

ARTICLE X.

OF THE MICVAH.

Clause 1. This Congregation having completed the erection of a Micvah in the Synagogue building for the use of members, seat-holders, and their families, it is hereby enacted that the fuel required for same be provided by the Shamas, and who shall have the superintendence of same.

2. That persons requiring the use of the said Micvah shall pay to the said Shamas a fee, for each and every time

they use the same, of not less an amount than two shillings and sixpence currency, save and except from the poor.

3. The fees accruing from the said Micvah shall belong and be for the sole use of the said Shamas, towards the expense of providing the necessary fuel.

ARTICLE XI.

THE DUTIES OF THE HAZAN.

Clause 1. The Hazan shall attend (illness excepted) in the Synagogue upon all and every occasion the same is opened for prayers, or the performance of any religious ceremony, in his official dress; also at all funerals, when notified so to do by the Gabai-Beth-Haim.

2. He shall, when requested so to do, attend at the dwelling of any member or seat-holder, when afflicted with illness; and also at the house of mourning.

3. The Hazan shall officiate on all and every occasion, in Synagogue or elsewhere, (unless prevented by illness or being absent from town); in which case the prayers shall be read by the Shamas.

4. Provided always, that should a Hazan or lecturer of any other congregation visit Montreal, and being desirous, or at the request of the Corporation, consent to deliver a lecture, or read prayers, the same shall be allowed; permission of the Parnas being first obtained.

5. He shall, according to law of this Province, keep a proper register of Births, Marriages and Funerals performed by him, and report the same in required time to the appointed legal officer of the Government.

6. The Hazan shall not transact any business, and strictly conform to all the before mentioned regulations and conduct himself in every way becoming the dignity of his situation.

7. He shall at all times be under the direction of the Parnas, or in his absence the Treasurer, in all matters relating to the Synagogue; but, in all others, under the direction of the President and Corporation.

8. He shall not perform the Marriage Ceremony, or any other ecclesiastical or rabbinical function, without the permission of the President being first obtained.

ARTICLE XII.

THE DUTIES OF THE SHOCHET AND SHAMAS.

Clause 1. The Shochet shall attend at the Butchers' Shambles, for the purpose of killing meat, when requested so to do, and shall not refuse to kill poultry for any member or seatholder of the congregation providing the poultry is sent to the market during such hours he attends at the butchers, or at his house.

2. He shall not be required to go to the domicile of any member or seatholder to kill meat or poultry.

3. He shall attend at the butchers' stall, for two hours' on each market day to porge the meat and kill poultry from the 1st day of May to the 31st day of October, from 6.30 to 8.30, A.M., and from the 1st day of November to the 30th day of April, from 8 to 10 o'clock, A.M.

4. The Shammas shall attend (illness excepted) the Synagogue upon all and every occasion, and be there in due

time to open the same, and make all the necessary preparation for service.

5. He shall in the absence of the Hazan read the prayers, also attend at the house of any member or seatholder when afflicted with illness when requested so to do. He shall attend all marriages and funerals, and all other ceremonies in any way appertaining to members or seatholders of the congregation.

6. He shall attend the bakers to superintend the making and delivering the Matsoth, for which he shall receive the following tariff of fees, viz:—20lbs. and under 1s. 3d.; above 20lbs. and under 50lbs. 2s. 6d.; 50lbs. and under 75lbs. 3s. 9d.; 75lbs. and over, 5s.

7. He shall be answerable for all property committed to his care.

8. He shall not allow any person to officiate in his stead without permission of the Parnas being first obtained.

9. He shall keep an account of all the offerings, and hand the same into the Treasurer when requested so to do, he shall also collect all accounts due the Corporation and hand the proceeds thereof into the hands of the Treasurer, also deliver all notices in any way appertaining to this congregation.

10. He shall provide fuel for the Micvah, and have the same ready for use when requested so to do, for which he shall receive a fee of not less than two shillings and six pence, except from the poor, from whom he shall not take payment.

11. The present Shamas being Mohel, he shall not circumcise the child of any member or seat-holder of this Congregation, or the child of any other person, whether

the
Gen
Gen
alter
carri
2.
code
3.
pledg

residing in Montreal or elsewhere, without permission of the President being first obtained.

12. It shall be his duty to keep the Synagogue and Micvah clean and in proper order.

13. He shall, at all times, be under the direction of the Parnas or Treasurer in all matters relating to the Synagogue; and in all and every other, under the direction of the President and Corporation.

14. And further, he, the Shamas shall, when required, perform all duties for the benefit of the Congregation, not derogatory to his situation.

ARTICLE XIII.

ALTERATION OF LAWS, &c.

Clause 1. Any alteration, amendments or additions to these By-Laws are to be proposed, in writing, at one General Meeting, and taken into consideration at another General Meeting, after a lapse of at least thirty days; said alterations, amendments or additions only to be made or carried by two thirds of the votes present.

2. Upon the passing of the foregoing By-Laws, the old code are hereby abrogated, and declared null and void.

3. All and every member shall sign these By-Laws, pledging himself thereby to support the same.